

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF AT&T WIRELESS PCS, INC., BY)	
AND THROUGH ITS AGENT, WIRELESS PCS, INC.,)	
FOR THE ISSUANCE OF A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY TO)	CASE NO. 96-391
CONSTRUCT A PERSONAL COMMUNICATIONS)	
SERVICES NETWORK FACILITY IN HEBRON,)	
KENTUCKY AND CALLED THE P.J. EXPRESS)	
SITE, SITE #02-033-02)	

O R D E R

On August 21, 1996, AT&T Wireless PCS, Inc. ("AT&T Wireless") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a personal communications service ("PCS") telecommunications facility in the Cincinnati/Northern Kentucky PCS market. The proposed facility consists of a monopole antenna tower not to exceed 180 feet in height, with attached antennas, to be located at 737 Petersburg Road, Hebron, Boone County, Kentucky. The coordinates for the proposed facility are North Latitude 39° 4' 28.3" by West Longitude 84° 39' 33.6".

AT&T Wireless has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and the plans have been certified by a Registered Professional Engineer.

Pursuant to KRS 100.324(1), the proposed facility's construction is exempt from local zoning ordinances. However, AT&T Wireless has notified the Boone County Planning Commission ("Planning Commission") of the proposed construction. The Planning Commission filed comments with the Commission and AT&T Wireless responded in writing to the comments as ordered. Under separate letter by the Commission, the Planning Commission was notified that any requests for intervention or a hearing must be filed within 10 days of receiving AT&T Wireless' response. To date, no further comments have been filed by the Planning Commission. AT&T Wireless has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both decisions are pending.

AT&T Wireless has filed notices verifying that each person who owns property or resides within 500 feet of the proposed facility has been notified of the pending construction. The notice solicited any comments and informed the property owners and residents of their right to intervene. In addition, AT&T Wireless has posted notice of the proposed construction in a visible location for at least two weeks after filing its application. No comments, other than those of the Planning Commission, have been filed with the Commission.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, AT&T Wireless should notify the Commission if it does not use this antenna tower to provide service in the manner

set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by AT&T Wireless.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that AT&T Wireless should be granted a Certificate of Public Convenience and Necessity to construct and operate the proposed facility in the Cincinnati/Northern Kentucky PCS market.

IT IS THEREFORE ORDERED that:

1. AT&T Wireless is granted a Certificate of Public Convenience and Necessity to construct and operate a monopole antenna tower not to exceed 180 feet in height, with attached antennas, to be located at 737 Petersburg Road, Hebron, Boone County, Kentucky. The coordinates for the proposed facility are North Latitude 39° 4' 28.3" by West Longitude 84° 39' 33.6".
2. AT&T Wireless shall file a copy of the final decisions regarding its pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.
3. AT&T Wireless shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 7th day of November, 1996.

PUBLIC SERVICE COMMISSION

Linda K Breathitt
Chairman

Elin J. Hines
Vice Chairman

B. J. Helton
Commissioner

ATTEST:

Don Mills
Executive Director